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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,622	01/04/2002	Jacques Brosse	024118-00013	8733

4372 7590 10/11/2002

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EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 10/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/936,622

Applicant(s)

BROSSE ET AL.

Examiner

Cephia D. Toomer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office action is in response to the amendment filed July 10, 2002 in which claim 4 was canceled; claims 1-3 and 5-32 were amended and claims 33-45 were added.

The previous rejection of the claims under 35 USC 112, second paragraph is withdrawn in view of the amendments to the claims.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 and 5-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the terms "and the like" are indefinite. The language "selected from among the following" is improper Markush language. In claim 1(1)-1(9), the recitation of the generic monomer followed by the more specific monomer is likened to reciting "preferably" the more specific monomer. For instance in claim 1(1), the recited language is interpreted as monomers containing carboxyl groups, preferably, mono or polycarboxylic acids with monoethylene unsaturation.

In claim 1(2), the term "type" is indefinite.

In claim 1(3), "etc" is indefinite.

In claim 5, "selected from among" is improper Markush language.

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In claim 6, "selected from among" is improper Markush language, and the term "type" is indefinite.

In claim 6, line 24, it is not clear what applicant is claiming, i.e., "of reticulated sodium carboxy-methylcellulose and analogous products and mixtures of such products."

Claims 14 and 16 are rejected there is no antecedent support for "the ratio" and "the other hydroscopic agent or agents."

Regarding claim 17, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 21 is rejected because it is not clear what "additives" are being claimed.

Claim 23 is rejected because it contains tradenames. These tradenames should be replaced with the specific compound or composition that these tradenames represent.

Claim 24 is rejected because "SAP", "MADAME" and "ADAME" should be defined.

Claim 25 is rejected because it contains a tradename. The tradename should be replaced with the specific compound or composition that this tradename represents.

Does the 200g/kg hide apply to the amount of SAP and NaCl?

In claims 34, 36-38 and 40, the term polymer should be inserted at the end of the sentence.

Claims 33-35 are rejected because they are dependents of a canceled claim.

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In claim 38, the parenthesis before "sulfopropyl" should be deleted.

Claim 39 is rejected because the alcohols in the parenthesis should be set forth in a Markush group. Also, in which compounds will the hydroxyl groups be etherified or esterified?

In claim 41, should "morpho-linoalkyl" be hyphenated?

Regarding claim 41, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

In claim 42, the parenthesis at the end of the sentence should be deleted.

3. The rejections of claims 1-3 under 35 USC 102(b) are withdrawn in view of the amendment to the claims.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

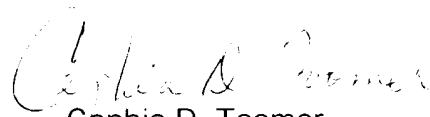
5. Claims 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Sweet.

Sweet teaches a composition for preserving animal hides comprising sodium chloride and hydrolyzed starch-polyacrylonitrile graft copolymers (super slurpers). Sweet teaches that the residual moisture content of the hide is less than 40% (see abstract; page 193, criteria #3).

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872-9310 for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Cephia D. Toomer  
Primary Examiner  
Art Unit 1714

09936622\9  
October 9, 2002